

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF RANDY VALLEY’S)	CASE NO. IPC-E-21-34
FORMAL COMPLAINT AGAINST IDAHO)	
POWER COMPANY CONCERNING)	
GRANDFATHERING OF TEN SOLAR)	ORDER NO. 35291
PANELS)	
)	

On May 28, 2021, Randy Valley (“Mr. Valley”), a residential Idaho Power Company (“Company”) customer lodged a formal complaint (“Complaint”) with the Commission. Mr. Valley had connected an on-site generation system to the Company’s system but was seeking to expand his system by installing additional solar panels. The crux of Mr. Valley’s Complaint was his disagreement with the Company’s position that his new solar panels would not be “grandfathered in” under net metering rules.¹

On December 9, 2021, the Commission issued Order No. 35253 denying Mr. Valley’s request for grandfather status for his new solar panels.

On December 28, 2021, Mr. Valley filed a Petition for Reconsideration (“Petition”). The Company responded to Mr. Valley’s Petition on January 4, 2022. With this Order, the Commission denies Mr. Valley’s Petition.

PETITION FOR RECONSIDERATION

Mr. Valley made three claims in his Petition: (1) that the Company sent him a very misleading email indicating it had received everything it needed from him for him to attain legacy status; (2) that since he received only two emails from the Company, no prudent person would agree that the Company made repeated attempts to assist him with compliance; and (3) that the effect that Covid 19 had on “lockdowns and staffing shortages should be taken into account.” Petition at 1.

COMPANY REPLY

The Company replied that Mr. Valley’s petition should be denied because he failed to demonstrate that Order No. 35253 was unreasonable, unlawful, erroneous, or not in conformity with the law. The Company stated that it communicated the requirements for legacy status to both

¹ Mr. Valley clarified, however, in his Petition for Reconsideration that he “never stated that he met the requirements for legacy status or that [the Company] didn’t inform [him] of the requirements.” Petition for Reconsideration at 1.

Mr. Valley and his agent RevoluSun and that Mr. Valley did not provide any reasonable basis in his Petition to deviate from the requirements for attaining legacy status as set forth in Order Nos. 34509 and 34546. The Company represented that, contrary to Mr. Valley's assertions otherwise, the facts and evidence presented in this case established that the Company did communicate with Mr. Valley more than twice between January 7 and November 6, 2020. Because Mr. Valley failed to meet the pleading requirements under Commission Rule 331.01, IDAPA 31.01.01.331.01, and because the Commission's determination in Order No. 35253 was reasonable, lawful, correct, and in conformity with the law, the Company requested that the Commission issue an order denying Mr. Valley's Petition.

COMMISSION FINDINGS AND DISCUSSION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502, 61-503, and 61-612. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. The Commission has the authority to determine the merits of any complaint "setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation of any provision of law or of any order or rule of the commission[.]" *Idaho Code* § 61-612.

The Commission has the authority to grant or deny reconsideration under *Idaho Code* § 61-626(2). Reconsideration allows any interested person to bring to the Commission's attention any question previously determined, and thereby affords the Commission an opportunity to rectify any mistake or omission. *See Washington Water Power Co., v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). The Commission's Rules of Procedure require a petition for reconsideration to "set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law." *See* Commission Rule 331.01, IDAPA 31.01.01.331.01. Commission Rule 331.01 further requires the petitioner provide a "statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted." *Id.* A petition must state whether reconsideration should be conducted by "evidentiary hearing, written briefs, comments, or interrogatories." *See* IDAPA 331.03.

Mr. Valley's Petition alleges that the Company failed to effectively communicate and assist him with complying with his timely solar panel installation. Mr. Valley also suggests that Covid 19 made things difficult for him, his installer—RevoluSun—and the Company. After a thorough review of the facts alleged in the Petition, we find that the general allegations set forth in the Petition do not provide an adequate basis to grant the Petition to reconsider Order No. 35253. Mr. Valley has presented no argument or evidence why these facts make Order No. 35253 unreasonable, unlawful, erroneous, or not in conformity with the law. *See* Rule 331.01.

In sum, the Petition does not state why Order No. 35253 is deficient under Commission Rule 331.01 nor does it state how Mr. Valley believes Order No. 35253 may be reconsidered and what evidence or argument he plans to offer if the Petition is granted. *See* Rule 331.03. Accordingly, the Commission denies the Petition.

ORDER

IT IS HEREBY ORDERED that Mr. Valley's Petition for Reconsideration is denied.

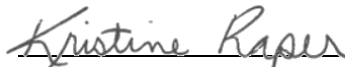
THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order or other final orders previously issued in this Case No. IPC-E-21-34 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code* § 61-627.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20th day
of January 2022.

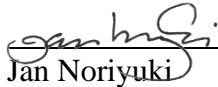


ERIC ANDERSON, PRESIDENT



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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